

**PURPOSE**

To protect the privacy rights of individual's receiving benefits from one or more of Michigan Department of Health and Human Services (MDHHS) health programs, by considering individuals' requests for alternate means of communication and granting the requests when reasonable.

**PROCEDURE*****Confidential Communications Procedure Standards***

- A MDHHS health plan component will require that an individual state clearly in writing that disclosure of any or all Protected Health Information (PHI) could endanger the individual.
- A MDHHS provider component must accommodate an individual's reasonable request to receive communication of PHI by alternate means and may not require an explanation of the reason for the request.
- MDHHS can determine reasonableness of the request based on administrative difficulty in complying with the request but cannot refuse to accommodate the request if the individual indicates the information will cause endangerment. .
- Documentation of requests, and denial/agreement to a request must be maintained 6 years from date request or the agreement is terminated, whichever comes last.
- Documentation may be maintained electronically or in writing.

***Implementation Standards***

- Requests are to be in writing to the Privacy Office. A DCH 1231(E), Confidential Communications Request, can be used for this purpose.
- The privacy office (or facility privacy officer) is responsible for reviewing/approving/denying requests for alternate means of communication.
- The individual will be notified in writing of approval/denial of requests for alternate means.
- The agreement to alternate means will be documented on the Beneficiary Provider Contact System or other facility system to

notify employees of any special arrangements for use when communicating with the individual.

- The individual will be notified when the alternate means will be terminated.

*\*When other applicable privacy or confidentiality laws conflict with HIPAA, comply with the law that provides the individual with greater privacy protection or rights. (Examples of state and federal laws are: Medicaid, Substance Abuse, Public Health Code, HIV/AIDS/STDs, and Mental Health Code). When in doubt, contact the Bureau of Legal Affairs.*

## REFERENCES

45 CFR §164.522(b), §164.502(h), §164.5300), Form DCH 1231

## CONTACT

For additional information concerning this procedure, contact the MDHHS Bureau of legal Affairs.